

STATE PROPERTIES COMMITTEE

Tuesday, October 12, 2004

The meeting of the State Properties Committee was called to order at 11:12 A.M. by Chairman Jerome F. Williams. Other members present were, Genevieve Allaire Johnson, Esquire, representing the Department of Attorney General, Mr. William Ferguson, representing the Department of Administration, and Mr. Thomas Barry, Public Member. Also present were, Messrs. Robert Brunelle and John Ryan, from the Department of Administration; Ms Maureen McMahon and Messrs. Paul Carcier, William McCarthy, Daniel Clarke, and Rick Kalunian, from the Department of Transportation; Messrs John O'Brien and Jay McGinn from the Department of Environmental Management; Ms. Sharon O'Keefe, from the Office of the Child Advocate; Ms. AnnMarie Bolvin, from the Department of Corrections; Jacqueline Kelley, Esquire and Messrs Raymond Carroll and Dan Evangelista, from the Department of Human Services; Thomas Coffey, Esquire from the State Fire Board; and, Mr. Bruce Landis from the Providence Journal.

The Minutes of the meeting held on September 28, 2004 were approved.

1. OLD BUSINESS
2. NEW BUSINESS – Miscellaneous - The next meeting of the State Properties Committee is scheduled to be held on Tuesday, October 26, 2004

The Chair noted an item presented at the State Properties Committee meeting held on September 28, 2004 pertaining to a Department of Transportation matter. This involved Olney Towers Limited and the Freight Rail Improvement Project. At the meeting questions were raised about who was responsible for the repairs of damage done to a retaining wall at Olneyville Towers. The Chair stated at the time of the meeting, he

did not have at the full packet of the information the Department had provided, but subsequent to the meeting spoke with the Director who explained the situation, and advised that it was the full responsibility of the Department.

ITEM A – DEPARTMENT OF ADMINISTRATION – A presentation was made regarding the site selection for the new State Police Headquarters project and a request was made by the Department for conceptual approval to negotiate with Golfing Partners, Inc.

Mr. Robert Brunelle, Associate Director of the Division of Capital Projects and Property Management gave a presentation regarding the site selection for the new State Police Headquarters.

In 2002 the voters passed a Bond Issue which included dollars for the building of a new State Police Headquarters. Within the Bond language, it was very specific about the location and called for the new headquarters to be in proximity to Routes 95, 37 and 295. The State Police need to have quick access to the highway. The architects determined that in order to put all the facilities in one location that 12-15 acres are needed. Other requirements include available utilities, specifically fiber optic cabling and a communications tower that would not be a problem for the airport. A determined search was made, both for private and State land in the area. The Department is recommending the new headquarters be located at the Pastore Center Complex. Mr. Brunelle displayed a map and gave a brief description of the Pastore Center Complex, indicating Routes 37, 95 and 295. The complex is almost a geographic center of the State with quick access to the highways. The site contains all the infrastructure that it needs. There is a location in which there are already towers up that are at or exceed the height that the Department is looking to construct. The site that

has been selected would involve two strips of land. One area is owned by the State and is currently being leased to Golfing Partners, Inc., for a pitch and putt. The other strip of land, which is the access driveway into Golfing Partners, is owned by Golfing Partners, Inc. The Department would like to terminate the lease and acquire the other strip of land. By taking these two parcels, it would give the State approximately 14 acres of land on which to build the State Headquarters. An architectural rendering of the headquarters was displayed. The headquarters would include the forensic police and crime lab facility and evidence storage. Also included would be a helicopter pad. Mr. Brunell went on to say that this new headquarters should enhance the Pastore Center and believes that the citizens of Cranston would be happy with the building and feel safer with the presence of the State Police at the Pastore Center.

The State owns twelve (12) acres of the area required, and Golfing Partners, Inc. owns approximately three (3) acres.

A Motion was made by Mr. Barry and seconded by Ms. Genevieve Allaire Johnson to approve the request of the Department for conceptual approval to negotiate with Golfing Partners, Inc. for land at the Pastore Center Complex, Cranston.

Passed Unanimously

ITEM B – OFFICE OF THE CHILD ADVOCATE – A request was made by the Office of the Child Advocate for conceptual approval to initiate negotiations related to lease renewal for space at 272 West Exchange Street (Suite 301), Providence.

The Office of the Child Advocate has been located at 272 West Exchange Street for the last five (5) years and has a five (5) year lease with a five year renewal clause. They occupy 4,000 square feet of space. The space is in close proximity to the Courts and highways and has sufficient parking. In addition, the Department of Administration

has been advised by the Office of the Child Advocate that their office has lost staff which would free up space to accommodate another State agency. The State Fire Board is currently looking for space for three staff and weekly meetings for the State Fire Safety Code Board of Review and Appeal. This office is currently in space at One Capitol Hill and the Department of Administration is reconfiguring space in the building. The Department is seeking approval of the Committee to “backfill” the space no longer needed by the Office of the Child Advocate. Discussion took place regarding the funding for the space to be occupied by the State Fire Board.

A Motion was made by Mr. Barry and seconded by Genevieve Allaire Johnson, to approve the request of the Office of the Child Advocate for conceptual approval to initiate negotiations related to lease renewal for space at 272 West Exchange Street (Suite 301), Providence and the request of the Department of Administration to allow the State Fire Board to occupy the space no longer needed by the Office of the Child Advocate at said location. Inherent in the Motion for the request of the Department to allow the State Fire Board to occupy space at 272 West Exchange Street, is Budget Office approval.

Passed Unanimously

ITEM C – DEPARTMENT OF CORRECTIONS – PAROLE BOARD – A request was made by the Department for conceptual approval to initiate negotiations on a Lease Amendment for office space located at One Center Place, Providence.

The Department would like approval to amend the Lease. The Landlord has approached the Department and asked if the Department could relocate into another section of the building. The cost of any build-out or rewiring that is involved would be borne by the Landlord. The Department currently occupies 3,300 square feet of space and after the move should have the same amount of square footage.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for conceptual approval to initiate negotiations on a Lease Amendment for office space located at One Center Place, Providence.

Passed Unanimously

ITEM D – DEPARTMENT OF CORRECTIONS – A request was made by the Department for final approval and signatures on Lease Agreement for office space located at One Joyce Street, Warren.

This item was deferred to October 26, 2004.

ITEM E –DEPARTMENT OF HUMAN SERVICES – Disability Determination Unit – A request was made by the Department for conceptual approval to amend the existing lease with Emanon Associates for office space in the Gardner Building at 40 Fountain Street, Providence.

The Department is in need of additional space and the landlord has offered additional space to the Department at half the rate of its existing Lease. The lease request is for 3,485 square feet of additional space at the rate of \$7.85 per square foot. The Department currently leases 12,539 square feet of space at 40 Fountain Street at the rate of \$15.70 per square foot. The existing lease is for ten (10) years for the period May 1, 2002 through May 1, 2011. The requested space is constructed, furnished and ready for occupancy. Additional renovations and cabling are required with a projected cost of \$10,000.00. The funding for the requested lease and renovations will be Federal dollars provided by the Social Security Administration.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for conceptual approval to amend the existing

lease with Emanon Associates for office space in the Gardner Building at 40 Fountain Street, Providence.

Passed Unanimously

ITEM F– DEPARTMENT OF HUMAN SERVICES – A request was made by the Department for conceptual approval to negotiate Memorandum of Understanding with the Department of Environmental Management - Division of Fish and Wildlife relative to property at the Veterans Home.

This lease involves the Veterans Home property located in Bristol. This property is located between Metacom Avenue in Bristol and Mount Hope Bay. There is a boat ramp on the premises that has been operated by the Department of Environmental Management for the last 30 or more years. The ramp is in disrepair and basically unusable. There is a small gravel parking area on the premises and a section of property that is leased to the Boys' and Girls' Club of East Providence for a summer camp. The Department of Environmental Management would like to enter into an agreement with the Department of Human Services so it will have land control of the area to rehabilitate the boat ramp. The Department of Environmental Management envisions installing a vehicle and trailer parking area, a multi-lane boat ramp with docks into Mt. Hope Bay. This would be the only State-owned public boat- launching ramp into Mt. Hope Bay. The Department of Environmental Management is looking for a term of twenty-five years for the intended document. The Town of Bristol is in support of this project.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for conceptual approval to negotiate a Memorandum of Understanding with the Department of Environmental Management - Division of Fish and Wildlife relative to property at the Veterans Home.

Passed Unanimously

ITEM G – DEPARTMENT OF HUMAN SERVICES – A request was made by the Department for conceptual approval to negotiate or amend a lease with the Boys’ and Girls’ Club of East Providence, Inc. relative to property at the Veterans Home.

The Department of Human Services currently has a Lease with the Boys’ and Girls’ Club of East Providence, Inc. under which, the club can use the pool and surrounding area for a camp, during the summer. The pool is used by the residents of the Veterans Home, but during the summertime it is leased to the Boys’ and Girls’ Club. The proposed agreement with the Department of Environmental Management, as explained in Item “H” above, will somewhat affect the area that is currently leased to the Boys’ and Girls’ Club and the change to the Lease would incorporate that. The Department of Environmental Management will also include in the revision of the Lease that it will create play areas for the Boys’ and Girls’ Club. The Division of Veterans Affairs fully supports this project.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for conceptual approval to negotiate or amend a lease with the Boys’ and Girls’ Club of East Providence, Inc. relative to property at the Veterans Home.

Passed Unanimously

ITEM H – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a License Agreement with the Town of Smithfield for use of State-owned property on Farnum Pike Route 104, Farnum Pike Route 44, Route 116 and Route 105, Smithfield.

This agreement is for the erection of signs directing the public and drivers to four (4) industrial parks located in the Town of Smithfield, Farnum Pike Route 104, Farnum Pike Route 44, Route 116 and Route 105, Smithfield. The signs will be erected on State property and will direct the traveling public to these industrial parks. There is no compensation for this License Agreement. The License Agreement is revocable at will.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on a License Agreement with the Town of Smithfield for use of State-owned property on Farnum Pike Route 104, Farnum Pike Route 44, Route 116 and Route 105, Smithfield.

Passed Unanimously

ITEM I – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a License Agreement with 155 Clifford Street, LLC use of state owned property adjacent to 155 Clifford Street, Providence.

This item was deferred to October 26, 2004.

ITEM J – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a License Agreement with The Rhode Island School of Design for use of a portion of RiverWalk on South Main Street, Providence.

This item was deferred to October 26, 2004.

ITEM K - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a License Agreement with Deeble Holdings LLC for land at 1355 – 1357 Wampanag Trail, East Providence.

Mr. Paul Carcieri, from the Department, displayed a map of the area that was the subject of this item. On Wampanag Trail in East Providence, there is located a large

stone wall. It is directly adjacent to the East Gate apartments. This wall is located predominately on State owned land and has been there since the taking of Route 104 many years ago. Several months ago a motorist went off the road and hit this wall and submitted a damage claim to the Department. The Department would like to remove the wall, which has become a liability problem. Deeble Holdings LLC, the directly adjacent abutter to the property, has stated it would remove the wall in return for the license of state property to this abutter for vehicle parking. They are the owner and operator of the adjacent apartment complex. The Department has proposed, and Deeble Holdings LLC has accepted, the grant of a License Agreement of state owned property of approximately 3,049 square feet for vehicle parking by Deeble Holdings in return for the demolition and removal of the wall. The License Agreement gives Deeble Holdings a twenty (20) year license of 3,049 square feet of state property. The value is estimated to be about \$35,000.00. That is \$1500.00 per year and every third year an increase of three (3%). The total value of the License is estimated to be \$35,000.00. That amount is close to the estimates the Department has received for the demolition of the wall. This License provides that Deeble Holdings would demolish the wall and license 3,049 square feet of land for vehicle parking and submit to the Department documented costs for the wall's demolition. If those costs exceed \$35,000.00, the State would not pay any excess amount. If they are under \$35,000.00, Deeble Holdings would pay the Department the difference. Deeble Holdings would be given the right to beautify some state property consisting of approximately 7,000 square feet. This is for passive use and not for parking, similar to what the Department does under an "Adopt-a-Spot" application. There is no charge for that area. The approach to valuation was provided by the Department. The property is not buildable and is not stand - alone property. Discussion

ensued. An additional 1,899 square feet will be utilized to access Deeble Holdings' property. Part of the entrance to their commercial development passes over State property which is not unusual as many driveways do. Deeble Holdings asked to have this passage memorialized in a formal agreement. The Department acknowledged that Deeble Holdings is parking on State land presently. Also discussed was that the rocks might be of use to some City or Town, and it was also suggested that the Department attempt to get the salvage value.

Ms. Allaire Johnson inquired how this matter was brought to the attention of the Department and Mr. Carcieri gave a brief synopsis. Ms. Johnson referred to the numbers and the period of time of the agreement being twenty (20) years. She suggested it would be preferable that this transaction should be through a Lease rather than a License Agreement. She went on to say that a License should be for a shorter term. Ms. Johnson said that it does not sound like a fair deal in the terms of numbers, but if the Department follows through it should be something more substantial in terms of the parties responsibilities in a Lease Agreement as opposed to a License Agreement. A discussion took place regarding the value that was arrived at and the value of the parking to Deeble Holdings.

The Chair, Mr. Williams commented that he would prefer to use a Lease Agreement as opposed to the License Agreement because of the term. Additionally, he discussed the encroachment issue and inquired if the Department be compensated for the encroachment. Discussed ensued regarding encroachments. There is a Department policy to charge to the date of discovery of encroachment. Additional discussion took place regarding the value of parking.

The Chair Mr. Williams asked that the Department look at this matter in the prospective of a Lease, and look at the value and see what could be arranged regarding the value of the parking, while recognizing the Department is trying to negotiate to have something removed that it does not want.

This matter will be held pending the Department's return.

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4 (a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A Motion was made to go into Executive Session by Mr. Barry and seconded by Ms. Allaire Johnson. A roll call vote was made. Mr. Barry voted "Aye", Ms. Allaire Johnson voted "Aye", Mr. Ferguson Voted "Aye" and the Chair voted "Aye".

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to close the Executive Session and return to the regular meeting.

The regular session of the State Properties Committee re-opened with the following requests.

DEPARTMENT OF TRANSPORTATION

1) A request was made by the Department for approval of the acquisition of Condemnation Plat 2658, Parcels 1 A & B, 2 D and 3 D, in connection with the May Street Drainage Improvement Project, North Providence.

Three (3) parcels are affected by acquisition and easements. One parcel requires an acquisition of 3,000 square feet of land and a temporary easement of 1,200 square feet.

Two (2) parcels are affected by permanent drainage easements totaling 4,880 square feet. The appraised value of the three parcels is \$42,100.00.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for approval of the acquisition of Condemnation Plat 2658, Parcels 1 A & B, 2 D and 3 D, in connection with the May Street Drainage Improvement Project, North Providence.

Passed Unanimously

2) A request was made by the Department for approval of the acquisition of two residential properties located in Tiverton and Portsmouth in conjunction with the future replacement of the Sakonnet River Bridge #250, Tiverton.

The first parcel consists of 17,860 square feet with a two bed ranch owned by Denise Denardo. This property is located at 48 Evans Avenue, Tiverton. The appraised value is \$290,000.00. The second parcel is a residential lot consisting of 5,160 square feet of land with a four bed two story structure owned by Francis & Julie Thomson. This property is located at 1 Hillside Avenue, Portsmouth. The appraised value is \$275,000.00.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for approval of the acquisition of two residential properties located in Tiverton and Portsmouth in conjunction with the future replacement of the Sakonnet River Bridge #250, Tiverton.

Passed Unanimously

3) A request was made by the Department for approval of the acquisition of Condemnation Plat 2553 in conjunction with the Warwick Station Traffic and Drainage Improvements, Warwick.

This is for the improvement of the roadway condition and traffic movement along Jefferson Boulevard from the Airport Connector to Kilvert Street, Warwick. Sixteen (16) parcels will be affected by this construction. Three (3) parcels are affected by land acquisition totaling 1,514 square feet. All sixteen (16) parcels are affected by temporary easements for a period of two (2) years totaling 5,463 square feet. Total estimated cost for the acquisition of land, easements and improvements will be approximately \$26,725.00 of which 80% is Federally funded.

A Motion was made by Mr. Barry and seconded by Ms. Allaire Johnson to approve the request of the Department for approval of the acquisition of Condemnation Plat 2553 in conjunction with the Warwick Station Traffic and Drainage Improvements, Warwick.

Passed Unanimously

4) A request was made by the Department for approval of the acquisition of Condemnation Plat 2489 in conjunction with the Blackstone River Bikeway – Segment 7A, Lincoln, North Smithfield and Woonsocket.

The Department is developing Segment 7A, of the Blackstone River Bikeway Project. This portion will be 1.99 miles long.

Thirteen (13) parcels are affected by this project. Seven (7) are affected by partial acquisition totaling 201,772 square feet; six (6) parcels are affected by permanent easements totaling 96,286 square feet; three (3) are affected by temporary easements totaling 6,439 square feet. The total estimated cost for these acquisitions is \$234,772.00, of which 80% is Federally funded.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Barry to approve the request of the Department for approval of the acquisition Condemnation Plat

2489 in conjunction with the Blackstone River Bikeway – Segment 7A, Lincoln, North Smithfield and Woonsocket.

Passed Unanimously

All matters presented to the Committee with the exception of Item “K” pending the Department of Transportation returning to the Committee, were approved by all present.

There being no further business to come before the Committee, the meeting adjourned at 12:50 P.M.

Anne L. Lanni, Executive Secretary